

REMARKS

Claims 1-23 and 34-38 have been cancelled without prejudice. Claims 39-46 have been added. Claims 24-33, 39-46 remain in this application. Claims 24-26, 28, and 30-33 have been amended. Reconsideration in light of the remarks and amendments made herein is respectfully requested.

Claim Rejections under 35 U.S.C. §103(a)

1. The Office Action rejected claims 1-2, 5-6, 8-11, 14-15, 18-20, 23, 24, 26-28, 31-34 under 35 U.S.C. §103(a) as being unpatentable over *Short, III et al.*, U.S. Pat. No. 7,085,775 (hereinafter "Short").

Applicant has cancelled claims 1-23 without prejudice, but will address the rejection with respect to independent claim 24.

It should be noted that the burden of establishing a prima facie case of obviousness lies with the Patent Office. In re Fine, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (stating: "The PTO has the burden under section 103 to establish a prima facie case of obviousness"). To establish a prima facie case of obviousness, (1) there must be some suggestion or motivation (either in the references themselves or in the knowledge generally available to one of ordinary skill in the art) to combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference teach or suggest all the claim limitations. See MPEP § 2142-43.

Independent claim 24 as amended includes the limitations: "a detector configured to provide a first data associated with an object," "a sensor configured to provide a second data associated with the object" and a processor "configured **to correlate the location of the object based on the first data and the location of the object based on the second data**".

Short discloses a fleet management system in which each truck includes a GPS navigational sensor that is used to upload the location of trucks into a database and display the locations on a raster map. *Short* discloses a mobile position block 616 within the fleet tracking system (FIG. 5B) that processes position information for vehicles 610 having GPS navigational sensors 611 but does disclose the fleet tracking system using location information provided by the radio frequency identification (RFID) tags in the yard management system (FIG. 5B; column 18, lines 8-41; column 19, lines 10-22).

Short discloses a yard management system in which one or more RFID readers are used to detect the presence of trucks having RFID tags. *Short* discloses a central system that tracks the location of each truck within the yard (column 16, lines 1-20). GPS navigational sensors are capable of tracking the location of an object in a much larger region than a shipping yard. If the central system of *Short* had access to the location information of the fleet management system of *Short*, the central system would be able to track the location of each truck both inside and outside of the yard. But *Short* does not mention the central system being capable of tracking trucks outside of the yard.

Short does not disclose, teach or suggest a processor configured “**to correlate the location of the object based on the first data and the location of the object based on the second data**” as claimed by Applicant.

For at least the reasons above, independent claim 24 is patentably distinct from *Short*. Claim 31, having similar limitations as claim 24, is distinguished for the same reason. Claims 25-30 and 39-46, being dependent on claim 24, and claims 32-33, being dependent on claim 31, are distinguished for the same reason. Applicants respectfully request that the rejection under 35 U.S.C. 103(a) be withdrawn.

2. Claims 3, 7, 12, 16, 21, 25, 30, and 35 under 35 U.S.C.103(a) as being unpatentable over *Short, III et al.* (U.S. Pat. No. 7,085,775) in view of *Woolston* (U.S. Pat. No. 5,845,265).

We have already demonstrated the deficiencies of *Short* and under 35 U.S.C. § 103, it would be incumbent upon the teaching of *Woolston* to provide a teaching reference for supplementing the deficiencies of *Short*.

Woolston discloses “a method and apparatus for creating a computerized market for used and collectible goods by use of a plurality of low cost posting terminals...” (abstract). The camera 12 of *Woolston* is used to take an image of a product for sale and present that image on the internet for purchase (column 5, line 60 to column 6, line 14). The bar code scanner 14 is used to scan the barcode of the good for sale (column 13, lines 61-65).

Claim 24 as amended includes the limitations: “a detector configured to provide a first data associated with an object,” “a sensor configured to provide a second data associated with the object” and a processor configured “**to correlate the location of the object based on the first data and the**

location of the object based on the second data". *Woolston* does not disclose, teach or suggest correlating the location of an object based on data from the camera 12 and the location of an object based on data from the bar code scanner 14.

Since claims 25 and 30 depend from claim 24, these dependent claims are patentably distinct from the combined prior art references for the same reasons advanced above with respect to claim 24. Applicants respectfully request that the rejection under 35 U.S.C. 103(a) be withdrawn.

3. Claims 13, 17, and 22 under 35 U.S.C. §103(a) as being unpatentable over *Short, III et al.* (U.S. Pat. No. 7,085,775) as applied to claims 1, 11, and 20, and in view of *Durbin et al.* (U.S. 6,039,258).

Claims 13, 17 and 22 have been cancelled without prejudice.

4. Claims 4 and 29 re rejected under 35 U.S.C. §103(a) as being unpatentable over *Short, III et al.* (U.S. Pat. No. 7,085,775) as applied to claim 1, and in view of *Kennedy* (U.S. 6,301,480).

Claim 4 has been cancelled without prejudice.

We have already demonstrated the deficiencies of *Short* and under 35 U.S.C. § 103, it would be incumbent upon the teaching of *Kennedy* to provide a teaching reference for supplementing the deficiencies of *Short*.

Since claim 29 depends from claim 24, this dependent claim is patentably distinct from the combined prior art references for the same reasons advanced above with respect to claim 1. Applicants respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

In light of the above amendment and remarks, applicant respectfully submits that all the claims remaining in the application are allowed or allowable, and respectfully requests that the application be passed to issue. Should any residual matters left to be resolved, the Examiner is invited to contact the undersigned agent at 602-445-8339 (office) at her convenience.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 502638**. Please ensure that Attorney Docket Number 078700-110102 is referred to when charging any payments or credits for this case.

Date: March 25, 2008

Respectfully submitted,

/Alexander U. Witkowski/
Alexander U. Witkowski
Reg. No. 43,280

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (602) 445-8339
Fax: (602) 445-8100
email: witkowskia@gtlaw.com